

**BOARD BILL NO. 157 INTRODUCED BY: ALDERMEN JOSEPH VOLLMER &
JOSPEH RODDY**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) A portion of Berthold beginning 625 feet east of East Road and continuing westwardly 1123.75 feet to a point 458 feet west of East Road. East Road from Berthold to Wise. 2) A portion of Berthold from Brother Thornton Way eastwardly 215.66 feet to a point at the western right-of-way line of the alley in City Block 3995. 3) Brother Thornton Way from Berthold to Wise. A portion of Wise beginning 149.65 feet east of Brother Thornton Way and continuing westwardly 239.65 feet to a point. A portion of the 15 foot wide east/west alley in City Block 3966 beginning at Brother Thornton Way and continuing westwardly 50 feet. A portion of the 15 foot wide east/west alley in City Block 5592 beginning at Brother Thornton Way and continuing eastwardly 210 feet to a point. 4) A 197.61 foot portion of the 15 foot wide east/west alley south of Wise in City Block 3996 abutting Lots 17-22 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Berthold Avenue and East Road, adjoining Blocks 3995, 3996, 4000 and 4001 in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the northeast corner of above said Block 4000, being the intersection of the south line of Berthold Avenue, 60 feet wide, and the west line of East Road, 40 feet wide; thence along last said south line and along the north line of said Block 4000, north 83 degrees 01 minute 52 seconds west 458.23 feet; thence departing last said south and north lines and crossing said Berthold Avenue north 06 degrees 58 minutes 08 seconds east 60.00 feet to the north line of said Berthold Avenue and the south line of above said Block 4001;

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1 thence along last said south line and last said north line, and along the
2 south line of above said Block 3995, south 83 degrees 01 minute 52
3 seconds east 1123.75 feet to the northerly prolongation of the east
4 line of a 15 foot wide alley, vacated by Ordinance No. 64640 of the
5 City of St. Louis, Missouri Records; thence along said northerly
6 prolongation and crossing said Berthold Avenue south 06 degrees 58
7 minutes 08 seconds west 60.00 feet to the south line of said Berthold
8 Avenue; thence along last said south line and the north line of City
9 Block 3996, north 83 degrees 01 minute 52 seconds west 625.52 feet
10 to the east line of above said East Room; thence along last said East
11 line and along the west line of side Block 3996 south 06 degrees 28
12 minutes 09 seconds west 478.54 feet to the easterly prolongation of
13 the north line of Wise Avenue, 40 feet wide; thence along last said
14 easterly prolongation and crossing said East Road north 83 degrees
15 31 minutes 51 seconds west 40.00 feet to the west line of above said
16 East Road and the east line of above said Block 4000; thence along
17 last said west and east lines north 06 degrees 28 minutes 09 seconds
18 east 478.89 feet to the POINT OF BEGINNING and containing
19 86,574 square feet or 1.987 acres more or less according to
20 calculations performed by Stock & Associates Consulting Engineers,
21 Inc. on March 17, 2004.

22
23 A tract of land being part of Berthold Avenue, adjoining Blocks 3995 and 5592 in
24 the City of St. Louis, Missouri, and being more particularly described as follows:

25
26 Beginning at the southeast corner of above said Block 3995, being
27 the intersection of the north line of Berthold Avenue, 60 feet wide,
28 and the west line of a 15 feet wide alley; thence along the southerly
29 prolongation of last said west line and crossing above said Berthold
30 Avenue south 06 degrees 58 minutes 08 seconds west 60.00 feet to
31 the south line of said Berthold Avenue and the north line of said
32 Block 5592; thence along last said north and south lines north 83
33 degrees 01 minute 52 seconds west 215.66 feet to the northwest
34 corner of said Block 5592, being the intersection of the south line of
35 said Berthold Avenue and the east line of Brother Thornton Way, 40
36 feet wide; thence along the northerly prolongation of last said east
37 line and crossing above said Berthold Avenue north 06 degrees 58
38 minutes 08 seconds east 60.00 feet to the north line of said Berthold
39 Avenue and the south line of said Block 3995; thence along last said
40 north and south lines south 83 degrees 01 minute 52 seconds east
41 215.66 feet to the POINT OF BEGINNING and containing 12,940
42 square feet or 0.297 acres more or less according to calculations

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1 performed by Stock & Associates Consulting Engineers, Inc. on
2 March 17, 2004.
3

4 A tract of land being part of Brother Thornton Way, Wise Avenue and a 15 feet wide
5 alley, adjoining Blocks 3996 and 5992 of the City of St. Louis, Missouri, and being
6 more particularly described as follows:
7

8 Beginning at the intersection of the south line of Berthold Avenue, 60
9 feet wide, and the west line of Brother Thornton Way, 40 feet wide;
10 thence along last said south line and crossing above said Brother
11 Thornton Way south 83 degrees 01 minute 52 seconds east 40.00 feet
12 to the east line of said Brother Thornton Way; thence along said east
13 line south 07 degrees 22 minutes 38 seconds west 137.00 feet to the
14 north line of a 15 feet wide alley; thence along last said north line
15 south 83 degrees 01 minute 52 seconds east 209.90 feet; thence
16 departing last said north line and crossing above said alley south 06
17 degrees 58 minutes 00 seconds west 15.00 feet to the south line of
18 last said 15 feet wide alley; thence along last said south line north 83
19 degrees 01 minute 52 seconds west 210.01 feet to the east line of
20 said Brother Thornton Way; thence along last said east line south 07
21 degrees 22 minutes 38 seconds west 137.00 feet to the north line of
22 Wise Avenue, 50 feet wide; thence along last said north line south 83
23 degrees 01 minute 52 seconds east 149.65 feet; thence departing last
24 said north line and crossing above said Wise Avenue south 06
25 degrees 58 minutes 08 seconds west 50.00 feet to the south line of
26 above said Wise Avenue; thence along last said south line north 83
27 degrees 01 minute 52 seconds west 239.65 feet; thence departing last
28 said south line and crossing above said Wise Avenue north 06
29 degrees 58 minutes 08 seconds east 50.00 feet to the north line of
30 said Wise Avenue; thence along last said north line south 83 degrees
31 01 minute 52 seconds east 50.00 feet to the west line of said Brother
32 Thornton Way; thence along last said west line north 07 degrees 22
33 minutes 38 seconds east 137.00 feet to the south line of the 15 feet
34 wide alley; thence along last said south line north 83 degrees 01
35 minute 52 seconds west 49.89 feet to the east line of a 15 feet wide
36 alley vacated by Ordinance No. 63464, City of St. Louis, Missouri
37 Records; thence along last said east line north 06 degrees 58 minutes
38 08 seconds east 15.00 feet to the northeast corner of said vacated 15
39 feet wide alley; thence along the north line of last said non-vacated
40 15 feet wide alley south 83 degrees 01 minute 52 seconds east 50.00
41 feet to the west line of said Brother Thornton Way; thence along last
42 said west line north 07 degrees 22 minutes 38 seconds east 137.00 to

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1 the POINT OF BEGINNING and containing 27,441 square feet or
2 0.630 acres more or less according to calculations performed by
3 Stock & Associates Consulting Engineers, Inc. on March 17, 2004.
4

5 A tract of land being part of a 15 feet wide alley in Block 5592 of the City of St.
6 Louis, Missouri, and being more particularly described as follows:
7

8 Beginning at the northeast corner of a 15 feet wide alley, vacated by
9 Ordinance No. 64640 City of St. Louis, Missouri Records, being a
10 point on the north line of a 15 feet wide alley; thence along last said
11 north line south 83 degrees 012 minutes 20 seconds east 197.61 feet;
12 thence departing last said north line and crossing last said alley south
13 06 degrees 57 minutes 40 seconds west 15.00 feet to the south line of
14 last said 15 feet wide alley; thence along last said south line north 83
15 degrees 02 minutes 20 seconds west 197.61 feet to the southeast
16 corner of said vacated 15 feet wide alley thence along the east line of
17 said vacated 15 feet wide alley north 06 degrees 57 minutes 40
18 seconds east 15.00 feet to the POINT OF BEGINNING and
19 containing 2,964 square feet or 0.068 acres more or less according to
20 calculations performed b Stock and Associates Consulting Engineers,
21 Inc. on March 17, 2004.
22

23 are, upon the conditions hereinafter set out, vacated.
24

25 **SECTION TWO:** Petitioners are St. Louis University High School, St. Louis Board of
26 Education, St. Louis Science Center Foundation and Kingman, LLC. Vacated areas will be used to
27 expand St. Louis University High School's campus.

28 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
29 the foregoing conditionally vacated alleys and streets, are reserved to the City of St. Louis for the
30 public including present and future uses of utilities, governmental service entities and franchise
31 holders, except such rights as are specifically abandoned or released herein.

32 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
33 surface pavement of said so vacated alleys and streets provided however, all utilities within the

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1 rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper
2 City permits.

3 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
4 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
5 for purposes associated with the maintenance, construction or planning of existing or future
6 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
7 required.

8 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
9 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
10 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
11 service entities and franchise holders, present or future. The written consent with the terms and
12 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
13 agencies as needed and approved by such Board prior to construction.

14 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
15 of a utility, governmental service entity or franchise holder by agreement in writing with such
16 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
17 undertaking of such removal.

18 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
19 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
20 have curbing cobblestones returned to the Department of Streets in good condition.

21 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
22 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
23 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
24 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements,

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1 if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will
2 be deposited by these agencies with the Comptroller of the City of St. Louis.

3 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
4 Water facilities, if any.

5 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
6 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
7 be returned.

8 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
9 of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as
10 specified in Sections Two and Eight of the Ordinance.

11 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
12 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
13 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
14 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
15 within the prescribed time the ordinance will be null and void.

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